



General Assembly

January Session, 2005

Raised Bill No. 849

LCO No. 2757

02757_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE
FOR EMERGENCY SERVICES PERSONNEL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) As used in this
2 section:

3 (1) "Body fluids" means blood and body fluids containing visible
4 blood and other body fluids to which universal precautions for
5 prevention of occupational transmission of blood-borne pathogens, as
6 established by the National Centers for Disease Control, apply. For
7 purposes of potential transmission of meningococcal meningitis or
8 tuberculosis, the term "body fluids" includes respiratory, salivary and
9 sinus fluids, including droplets, sputum and saliva, mucous and other
10 fluids through which infectious airborne organisms can be transmitted
11 between persons.

12 (2) "Emergency rescue or public safety worker" means a local or
13 state police officer, state marshal, judicial marshal, correction officer,
14 emergency medical technician, medical response technician,
15 paramedic, ambulance driver, firefighter, active member of a volunteer

16 fire company or fire department engaged in volunteer duties, or active
17 member of an organization certified as a volunteer ambulance service
18 in accordance with section 19a-180 of the general statutes who, in the
19 course of employment, runs a high risk of occupational exposure to
20 hepatitis, meningococcal meningitis or tuberculosis.

21 (3) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,
22 hepatitis non-B, hepatitis C or any other strain of hepatitis generally
23 recognized by the medical community.

24 (4) "High risk of occupational exposure" means risk that is incurred
25 because a person subject to the provisions of this section, in
26 performing the basic duties associated with such person's
27 employment:

28 (A) Provides emergency medical treatment in a nonhealthcare
29 setting where there is a potential for transfer of body fluids between
30 persons;

31 (B) At the site of an accident, fire or other rescue or public safety
32 operation, or in an emergency rescue or public safety vehicle, handles
33 body fluids in or out of containers or works with or otherwise handles
34 needles or other sharp instruments exposed to body fluids;

35 (C) Engages in the pursuit, apprehension or arrest of law violators
36 or suspected law violators and, in performing such duties, may be
37 exposed to body fluids; or

38 (D) Is responsible for the custody and physical restraint, when
39 necessary, of prisoners or inmates within a prison, jail or other criminal
40 detention facility, while on work detail outside the facility or while
41 being transported and, in performing such duties, may be exposed to
42 body fluids.

43 (5) "Occupational exposure", in the case of hepatitis, meningococcal
44 meningitis or tuberculosis, means an exposure that occurs during the
45 performance of job duties that may place a worker at risk of infection.

46 (b) Any emergency rescue or public safety worker who suffers a
47 condition or impairment of health that is caused by hepatitis,
48 meningococcal meningitis or tuberculosis that requires medical
49 treatment, and that results in total or partial incapacity or death shall
50 be presumed to have sustained such condition or impairment of health
51 in the course of employment and shall be entitled to receive workers'
52 compensation benefits pursuant to chapter 568 of the general statutes,
53 unless the contrary is shown by competent evidence, provided:

54 (1) The emergency rescue or public safety worker has, prior to
55 diagnosis, undergone standard, medically acceptable tests for evidence
56 of the communicable disease for which the presumption is sought or
57 for evidence of medical conditions derived from such communicable
58 disease, which tests failed to indicate the presence of infection, or in
59 the case of hepatitis infection, shall have banked serum for future
60 testing, which future tests fail to reveal evidence of infection; and

61 (2) The emergency rescue or public safety worker presents a written
62 affidavit verifying by written declaration that, to the best of the
63 worker's knowledge and belief:

64 (A) In the case of meningococcal meningitis, in the ten days
65 immediately preceding diagnosis, the worker was not exposed, outside
66 the scope of employment, to any person known to have meningococcal
67 meningitis or known to be an asymptomatic carrier of the disease.

68 (B) In the case of tuberculosis, in the period of time since the
69 worker's last negative tuberculosis skin test, the worker has not been
70 exposed, outside the scope of employment, to any person known by
71 the worker to have tuberculosis.

72 (c) The employing agency shall maintain a record of any known or
73 reasonably suspected exposure of an emergency rescue or public safety
74 worker in its employ to the diseases described in this section and shall
75 immediately notify the employee of such exposure. An emergency
76 rescue or public safety worker shall file an incident or accident report

77 with the worker's employer of each instance of known or suspected
78 occupational exposure to hepatitis infection, meningococcal meningitis
79 or tuberculosis.

80 Sec. 2. Subparagraph (A) of subdivision (1) of section 31-275 of the
81 general statutes is repealed and the following is substituted in lieu
82 thereof (*Effective October 1, 2005*):

83 (A) (i) For a police officer or firefighter, "in the course of his
84 employment" encompasses such individual's departure from such
85 individual's place of abode to duty, such individual's duty, and the
86 return to such individual's place of abode after duty;

87 (ii) For a police officer, firefighter or emergency medical technician
88 employed by the state or any of its political subdivisions, "in the course
89 of his employment" encompasses an accidental death, disability or
90 injury that occurs while such individual is responding to an
91 emergency outside of the individual's regular hours of employment;

92 [(ii)] (iii) Notwithstanding the provisions of clause (i) of this
93 subparagraph, the dependents of any deceased employee of the
94 Department of Correction who was injured in the course of his
95 employment, as defined in this subparagraph, on or after July 1, 2000,
96 and who died not later than July 15, 2000, shall be paid compensation
97 on account of the death, in accordance with the provisions of section
98 31-306, retroactively to the date of the employee's death. The cost of the
99 payment shall be paid by the employer or its insurance carrier which
100 shall be reimbursed for such cost from the Second Injury Fund as
101 provided in section 31-354 upon presentation of any vouchers and
102 information that the Treasurer may require.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	31-275(1)(A)

Statement of Purpose:

To establish a rebuttable presumption that emergency rescue or public safety personnel who contract hepatitis, meningococcal meningitis or tuberculosis from their employment are eligible for workers' compensation benefits as long as they meet certain requirements; and to extend workers' compensation coverage to state and local police officers, firefighters and emergency medical technicians when they respond to emergencies outside their regular work hours.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]